## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ALBERT GASSAWAY	)
	)
V.	) NO. 3-12-0498
	) JUDGE CAMPBELL
U.S. DISTRICT COURT	)

## ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 9) and two documents filed by the Plaintiff, which are titled Motion to Withdraw Summons (Docket No. 12) and Motion for Discovery (Docket No. 13).

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b)(3) and Local Rule 72.03(b)(3), the Court has reviewed *de novo* the Report and Recommendation, Plaintiff's filings, and the file. The Report and Recommendation is adopted and approved. Nothing in Plaintiff's recent documents establishes good cause for failure to serve Defendant within 120 days after the filing of his Complaint.

Accordingly, this action is DISMISSED without prejudice, and the Clerk is directed to close the file. Any pending Motions, including Docket Nos. 12 and 13) are denied as moot. This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

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TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE